Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Text

CONFIDENTIAL

PAGE 01 USUN N 01813 291753Z

15
ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 ACDA-07 AGR-05 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00

EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 OIC-02 /157 W
---------- 074057
R 291709Z APR 76
FM USMISSION USUN NY
TO SECSTATE WASHDC 7167

C O N F I D E N T I A L USUN 1813

FROM LOSDEL

E.O. 11652: GDS
TAGS: PLOS
SUBJ: LOS: MARINE SCIENTIFIC RESEARCH, BRENNAN GROUP-22
APRIL 76

1. DISCUSSIONS IN THE BRENNAN GROUP ON MARINE SCIENTIFIC RESEARCH (MSR) CONTINUED TO FOCUS UPON SECURITY CONCERNS OF COASTAL STATE. GDR STATED THAT THE ECONOMIC ZONE MUST NOT BE CONVERTED INTO A SECURITY ZONE BUT EXPRESSED A PERSONAL WILLINGNESS TO ACCEPT IN ART. 19 EITHER A SPECIFIC REFERENCE TO ART. 4 (A) OR A GENERAL REFERENCE WHICH WOULD REFER TO CHAPTER ONE OF THE MSR PART OF THE CONVENTION. INDIA STATED THE ESSENCE OF THEIR PROPOSAL WAS THAT THERE BE NO DISPUTE SETTLEMENT FOR COASTAL STATE OBJECTIONS BASED ON CONTRAVENTION OF ART. 4A. PAKISTAN REITERATED ITS SUPPORT FOR A PROPOSAL THAT IN ART. 14 CONSENT BE REQUIRED FOR RESEARCH BEARING UPON SECURITY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 01813 291753Z

2. USSR AGAIN SAID THAT INSISTENCE ON CONVERSION OF THE

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

ECONOMIC ZONE INTO A SECURITY ZONE WOULD MAKE PROGRESS IN THE CONFERENCE ITSELF IMPOSSIBLE. KENYA STATED ITS VIEW THAT THE NATURE OF THE ECONOMIC ZONE HAD NOT BEEN ESTABLISHED AND IT COULD INDEED BE CONSIDERED A SECURITY ZONE.

3. TURNING TO A DISCUSSION OF DISPUTE SETTLEMENT, PAKISTAN LED OFF STATING THERE SHOULD BE NO DISPUTE SETTLEMENT. INDIA STATED THAT WHILD DISPUTE RELATING TO PEACEFUL PURPOSES MUST BE EXEMPTED FROM DISPUTE SETTLEMENT, THE PARTIES THEMSELVES COULD AGREE TO SUBMIT IT TO DISPUTE SETTLEMENT. NORWAY STATED THE EVENSEN ART. 21 DOES NOT DEAL SUBSTANTIVELY WITH THE QUESTION OF DISPUTE SETTLEMENT EXPRESSING THE VIEW THAT PART IV WILL EXCEPT DISCRETIONARY ACTS BY THE COASTAL STATE IN THE ECONOMIC ZONE UNLESS THERE IS ABUSE OF POWER. NORWAY FELT THIS ALONE SHOULD BE ENOUGH TO MEET INDIA'S CONCERN.

4. MEXICO REITERATED ITS PROPOSAL ON COMPULSORY CONCILIATION STATING ADDITIONAL DETAILS WERE REQUIRED, BUT EMPHASIZING THE MOST IMPORTANT ASPECT WAS THE FINAL RIGHT OF THE COASTAL STATE TO PROHIBIT THE RESEARCH. KENYA SUPPORTED THE MEXICAN PROPOSAL SAYING QUOTE IT MAY SOLVE SOME OF THE PROBLEMS WHICH HAVE ARISEN IN THE OTHER ARTICLES UNQUOTE. MSR, IN KENYA'S VIEW, SHOULD BE OUTSIDE THE SCOPE OF DISPUTE SETTLEMENT. VENEZUELA SUPPORTED MEXICAN PROPOSAL ADDING THAT SCIENTISTS, NOT THE FOREIGN OFFICE, SHOULD SEEK TO RESOLVE SCIENTIFIC DISPUTES.

5. DURING THE AFTERNOON MEETING, BRENNAN ANNOUNCED THIS WAS THE LAST MEETING AND EXPRESSED HIS SUMMARY. A SOLUTION WAS NOT BE FOUND IN SITUATION WHERE NO RESEARCH OR ALL RESEARCH REQUIRED CONSENT. THE MOST LIKELY COMPROMISE WAS A MIXED REGIME WITH COMPLIANCE WITH ART. 15 & 16 IN ALL CASES. THE CONSENT CATEGORY SHOULD INCLUDE-RESOURCE ORIENTED RESEARCH, NOTING THAT ITS DESCRIPTION SHOULD NOT BELIE THE FIRST CONCLUSION AND PARAS (B) (C) & (D) OF ART 14. HE BELIEVED
CONFIDENTIAL

THAT A COMPROMISE REQUIRED GUARANTEEING THAT RESEARCH NOT PROCEED IF IT AFFECTED VITAL NATIONAL INTERESTS BUT EXPRESSED NO VIEW AS TO HOW THIS BEST COULD BE ACCOM-PLISHED. FINALLY, ON DISPUTE SETTLEMENT, HE MERELY SUMMARIZED THE VIEWS WHICH HAD BEEN EXPRESSED.

6. BRAZIL INITIALLY STATED IT COULD NOT ACCEPT THAT A MIXED REGIME COULD BE THE SOLUTION, ALTHOUGH HE

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

SUBSEQUENTLY AGREED AS A PERSONAL MATTER THAT NEITHER A TOTAL CONSENT NOR A NOTIFICATION REGIME WOULD EMERGE AS THE COMPROMISE. MEXICO IN A STRONG INTERVENTION SAID THERE SHOULD BE NO REFERENCE TO SECURITY IN THIS TREATY. HE STRESSED THE NECESSITY FOR NEGOTIATION AND NOT DEFENSE OF EXTREME POSITIONS.

SCRANTON

CONFIDENTIAL

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, COMMITTEE MEETINGS, OCEANOGRAPHIC RESEARCH, ADJACENT SEAS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN01813
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760164-0900
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976046/aaaaaeip.tel
Line Count: 123
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by ShawDG>; APPROVED <15 SEP 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: MARINE SCIENTIFIC RESEARCH, BRENNAN GROUP-22 APRIL 76
TAGS: PLOS, LOS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006